

10/15/01
11129 U.S. PTO

ARNOLD & PORTER

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555 Twelfth Street, NW
Washington, DC 20004-1206

October 15, 2001

Box Patent Application

Commissioner for Patents
Washington, D.C. 20231

10/15/01
09/976054
11129 U.S. PTO

Re: U.S. Non-Provisional Utility Patent Application
Appl. No.: To be assigned
Filed: Herewith
For: ***Nucleic Acid Molecules and Other Molecules Associated With the Cytokinin Pathway***
Inventors: Nordine Cheikh and Jingdong Liu
Ref. No.: 16517.256 /38-21(15094)C

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. Form PTO/SB/17 (in duplicate);
3. U.S. Utility Patent Application entitled:
Nucleic Acid Molecules and Other Molecules Associated With the Cytokinin Pathway
and naming as inventors:
Nordine Cheikh and Jingdong Liu
the application consisting of a specification containing:
 - (i) 225 pages of description prior to the claims;
 - (ii) 4 pages of claims (11 claims);
 - (iii) a one (1) page abstract;
 - (iv) 279 pages of a sequence listing;
4. a computer readable disk copy of the sequence listing (CRF);
5. a Statement Regarding Sequence Submission;
6. an Information Disclosure Statement,
7. a Form PTO-1449 (7 pages) with 23 accompanying documents;

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Commissioner for Patents

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8. an executed Combined Declaration and Power of Attorney, executed by Jingdong Liu (four pages);
9. an executed Combined Declaration and Power of Attorney, executed by Nordine Cheikh (four pages);
10. a Non Publication Request under 35 U.S.C. 122(b);
11. a Preliminary Amendment;
12. our check No. 200683 in the amount of \$ 950.00; and
13. Two (2) return postcards.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

This application is a continuation of U.S. patent application 09/227,586, filed January 8, 1999.

This application claims priority under 35 U.S.C §119(e) and/or 35 U.S.C § 120 of applications: No. 60/067000 filed November 24, 1997; No. 60/069472 filed December 9, 1997; No. 60/071,064 filed January 9, 1998; No. 60/074,201 filed February 10, 1998; No. 60/074281 filed February 10, 1998; No. 60/074567 filed February 12, 1998; No. 60/074565 filed February 12, 1998; No. 60/075462 filed February 19, 1998; No. 60/075461 filed February 19, 1998; No. 60/075464 filed February 19, 1998; No. 60/075460 filed February 19, 1998; No. 60/075463 filed February 19, 1998; No. 60/077231 filed March 9, 1998; No. 60/077229 filed March 9, 1998; No. 60/077230 filed March 9, 1998; No. 60/078368 filed March 18, 1998; No. 60/080844 filed April 7, 1998; No. 60/083067 filed April 27, 1998; No. 60/083387 filed April 29, 1998; No. 60/083388 filed April 29, 1998; No. 60/085224 filed May 13, 1998; No. 60/085223 filed May 13, 1998; No. 60/085222 filed May 13, 1998; No. 60/086186 filed May 21, 1998; No. 60/086187 filed May 21, 1998; No. 60/086185 filed May 21, 1998; No. 60/086184 filed May 21, 1998; No. 60/086188 filed May 21, 1998; No. 60/089,524 filed June 16, 1998; No. 60/089,810 filed June 18, 1998; No. 60/089,814 filed June 18, 1998; No. 60/090,170 filed June 22, 1998; No. 60/092,036 filed July 8, 1998; No. 60/099670 filed September 9, 1998; No. 60/099697 filed September 9, 1998; No. 60/100674 filed September 16, 1998; No. 60/101132 filed September 21, 1998; No. 60/101130 filed September 21, 1998; No. 60/101,508 filed September 22, 1998; No. 60/101344 filed September 22, 1998; No. 60/101347 filed September 22, 1998; No. 60/101343 filed September 22, 1998; No. 60/104,126 filed October 13, 1998; No. 60/104,127 filed October 13, 1998; No. 60/104,124 filed October 13, 1998; No. 60/104,121 filed October 13, 1998; No.

099760514-101344

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60/111,981 filed December 11, 1998, No. 09/199,129 filed November 24, 1998; No. 09/210,297 filed December 08, 1998; and No. 09/227,586 filed January 08, 1999.

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Arnold and Porter's deposit account, No. 50-1824 referencing matter number 16517.256. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
June E. Cohan (Reg. No. 43,741)

Enclosures

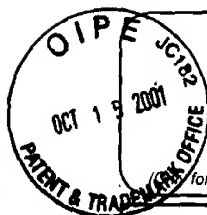
09/227,586-10-1001

Please type a plus sign (+) in this box → ☐

PTO/SB/05 (11-00)

Applicable through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.	16517.256/38-21(15094)C
First Inventor	CHEIKH, Nordine
Title	Nucleic Acid Molecules and Other Molecules Associated With the Cytokinin Pathway
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 230]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. Oath or Declaration [Total Pages 4]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,
or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09 / 227,586

Prior application information: Examiner M. Zeman

Group / Art Unit: 1831

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied
under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference.
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name	Lawrence M. Lavin, Jr.				
Address	Monsanto Company 800 N. Lindbergh Boulevard; Mail Zone N2NB				
City	St. Louis	State	Missouri	Zip Code	63167
Country		Telephone		Fax	

Name (Print/Type)	David R. Marsh June E. Cohan	Registration No. (Attorney/Agent)	41,404 43,741
Signature	<u>David R. Marsh</u>	Date	<u>Oct. 15, 2001</u>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any
comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark
Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for
Patents, Box Patent Application, Washington, DC 20231.

09/976054
10/15/01

**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

Complete if Known

TOTAL AMOUNT OF PAYMENT (\$) 950

Application Number

Filing Date

First Named Inventor

Examiner Name

Group / Art Unit

Attorney Docket No.

METHOD OF PAYMENT (check one)

1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

50-1824

Deposit
Account
Name

Arnold and Porter

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)

(\$ 710)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
11	-20** = 0	X 18 = 0	
Independent Claims	5	-3** = 3	X 80 = 240
Multiple Dependent		X	= 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 240)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 0)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	David R. Marsh Jupia E. Cohan	Registration No. Attorney/Agent)	41,408 43,741	Telephone	202-942-5000
Signature	<i>David R. Marsh</i>			Date	Oct. 15, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

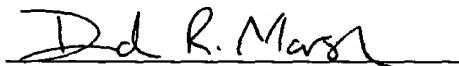
**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	CHEIKH, Nordine
Title	Nucleic Acid Molecules and Other Molecules Associated With the Cytokinin Pathway
Atty Docket Number	16517.256/38-21(15094)C

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

October 15, 2001

Date



Signature

David R. Marsh

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

105701-4509/660